

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL CORP.,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 17-151-LPS

ATTACHED JUDGMENT STATEMENT OF ACL1 INVESTMENTS LTD., ACL2 INVESTMENTS LTD., AND LDO (CAYMAN) XVIII LTD.

Pursuant to (i) paragraph 32 of the Sixth Revised Proposed Order (A) Establishing Sale and Bidding Procedures, (B) Approving Special Master’s Report and Recommendation Regarding Proposed Sale Procedures Order, (C) Affirming Retention of Evercore as Investment Banker by Special Master and (D) Regarding Related Matters (D.I. 481), and (ii) the Order (D.I. 654) adopting the Special Master’s proposed procedures regarding the filing of Attached Judgment Statements and supporting documentation (D.I. 652), ACL1 Investments Ltd., ACL2 Investments Ltd., and LDO (Cayman) XVIII Ltd. (collectively, “ACL”) respectfully submit the following Attached Judgment Statement.

Requested Information

1. A short summary of the parties’ underlying dispute.

Since no later than September 27, 2019, ACL1 Investments Ltd., ACL2 Investments Ltd., and LDO (Cayman) XVIII Ltd. have been beneficial owners of certain 9.375% Global Bonds due 2034, ISIN No. US922646BL74 (the “Bonds”), issued by the Bolivarian Republic of Venezuela (“Venezuela”). Beginning on January 13, 2018, Venezuela failed to make payments due on the

Bonds. On September 27, 2019, ACL1 Investments Ltd., ACL2 Investments Ltd., and certain other plaintiffs commenced a lawsuit against Venezuela for breach of contract, captioned *ACL1 Investments Ltd. et al. v. Bolivarian Republic of Venezuela*, No. 19 Civ. 9014 (S.D.N.Y.) (the “New York Action”). On October 14, 2020, a First Amended Complaint was filed in the New York Action adding claims by LDO (Cayman) XVIII Ltd. On December 4, 2020, ACL and Venezuela filed in the New York Action a Stipulation for Entry of Final Judgment and Permanent Injunction. Pursuant thereto, on December 7, 2020, the court in the New York Action entered a Final Judgment and Permanent Injunction, attached hereto as **Exhibit B** (the “ACL Judgment”).

2. A description of any collection efforts by the Judgment Holder to-date.

On February 5, 2021, pursuant to 28 U.S.C. § 1963, ACL registered the ACL Judgment in this District, initiating the matter captioned *ACL1 Investments Ltd. et al. v. Bolivarian Republic of Venezuela*, Misc. No. 21-46 (D. Del.) (the “Delaware Action”). On November 22, 2021, ACL filed in the Delaware Action a Motion for an Order Conditionally Authorizing the Issuance and Service of a Writ of Attachment *Fieri Facias*. On March 23, 2023, that motion was conditionally granted by this Court.

3. The initial amount of the applicable judgment.

As set forth more fully in **Exhibit B**, the initial amount of the ACL Judgment is \$118,183,218.38.

4. The amount by which the judgment has been reduced, if at all, as a result of any collection efforts by the Judgment Creditor.

None.

5. The proposed rate at which post-judgment interest is, or may be, accruing on the applicable judgment, including a proposed formula to be used for calculation of post-judgment interest on a daily-basis.

Post-judgment interest on the ACL Judgment is accruing at the “rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding[] the date of the judgment.” 28 U.S.C. § 1961(a). Daily rates for each business day in the calendar week preceding the date of the ACL Judgment, as published by the Board of Governors of the Federal Reserve System, are attached as **Exhibit C**. The average of those rates is 0.11%. Because the interest “shall be compounded annually,” 28 U.S.C. § 1961(b), the amount of post-judgment interest on a given date is

$$\$118,183,218.38 \times (1.0011^t - 1)$$

where t equals the number of days from December 7, 2020, to the given date, divided by 365.

Requested Supporting Documentation

1. A signed certification, substantially in the form of Exhibit A to the Special Master’s letter (D.I. 652), is attached hereto as **Exhibit A**.
2. A copy of the ACL Judgment, as docketed in the New York Action, is attached hereto as **Exhibit B**.
3. Supporting documentation for ACL’s proposed calculation of post-judgment interest, i.e., the daily 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the ACL Judgment, retrieved from <https://www.federalreserve.gov/datadownload/Choose.aspx?rel=H15>, is attached hereto as **Exhibit C**.

Dated: August 14, 2023

Respectfully submitted.

Of counsel:

Joshua S. Bolian*

Jared A. Hagler*

Riley & Jacobson, PLC
1906 West End Avenue
Nashville, Tennessee 37203
(615) 320-3700
jbolian@rjfirms.com
jhagler@rjfirms.com

* Admitted *pro hac vice*
in Misc. No. 21-46-LPS

ASHBY & GEDDES

/s/ Marie M. Degnan

Marie M. Degnan (#5602)
Randall J. Teti (#6334)
500 Delaware Ave., 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
mdegnan@ashbygeddes.com
rteti@ashbygeddes.com

*Attorneys for ACL1 Investments Ltd., ACL2
Investments Ltd., and LDO (Cayman) XVIII Ltd.*